

EXHIBIT N

Montgomery County Common Pleas Court
General DivisionIN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

OLWIN METAL FABRICATION LLC,

CASE NO.: 2022 CV 01134

Plaintiff,

JUDGE MARY E. MONTGOMERY

-VS-

MULTI-CAM INC. et al,

**ORDER STAYING ALL DEADLINES
AND DISCOVERY FOR NINETY (90)
DAYS, EXCEPT FOR ANY
JURISDICTIONAL DISCOVERY AS TO
THE CITIZENSHIP OF PLAINTIFF'S
MEMBERS**

Defendants.

On April 14, 2022, Defendant MultiCam, Inc. ("MultiCam") removed this matter to federal court, based on diversity jurisdiction. On October 4, 2022, MultiCam filed a notice indicating that Judge Michael J. Newman had ordered this matter remanded to this Court.

In its notice of removal, MultiCam stated that the citizenship of the two defendants to this matter is as follows: (1) MultiCam is a Texas corporation with its principal place of business in Tarrant and Dallas Counties, Texas; and (2) MultiCam Great Lakes, Inc. d/b/a MultiCam Ohio Valley Technology Center is a Michigan corporation with its principal place of business in Kent County, Michigan. *See Notice of Removal* at ¶ 10-11. MultiCam further stated that "[u]pon information and belief, no member of Plaintiff is a citizen of Texas or Michigan." *See id.* at ¶ 12.

While the case was pending in federal court, Judge Newman *sua sponte* ordered Defendants to show cause why the case should not be remanded to state court for lack of subject matter jurisdiction. Judge Newman found that as the removing party, MultiCam had the burden of proving that none of the members of Plaintiff Olwin Metal Fabrication, LLC ("Olwin") were citizens of Texas or Michigan. Olwin refused to voluntarily disclose the citizenship of its members, and MultiCam moved for permission to conduct limited

jurisdictional discovery in federal court. Judge Newman denied MultiCam's motion, finding that the proper course of action was to remand this matter to state court.

In his order remanding this matter to state court, Judge Newman noted that this matter could potentially be removed again to federal court:

While inconvenient, Defendants have a plausible option: return to state court and remove if discovery there reveals that this case is removable. See, e.g., *Mays [v. Wal-Mart Stores, Inc.]*, 751 F. Supp. 2d [946,] 953–54 [(E.D.Ky.2010)]; see also 28 U.S.C. § 1446(b)(3), (c)(1) (establishing that a defendant may remove within thirty days of discovering that a case is properly removable but has only up to one year to remove based on diversity).

See Order of Remand at 6, attached to 10/04/22 MultiCam Notice.

For purposes of judicial economy, the Court finds that a stay is appropriate so that the parties may conduct jurisdictional discovery as to the citizenship of Olwin's members and of its sub-members, if any. Accordingly, the Court stays all pending deadlines and all discovery in this matter for ninety (90) days, with the exception of any jurisdictional discovery as to the citizenship of Olwin's members.

In the event that this matter has not been removed to federal court within ninety days of the entry of this order, MultiCam is hereby ordered to file a notice in this matter advising the Court of the outcome of the jurisdictional discovery.

SO ORDERED:

JUDGE MARY E. MONTGOMERY

This document is electronically filed by using the Clerk of Courts e-Filing system. The system will post a record of the filing to the e-Filing account "Notifications" tab of the following case participants:

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Copies of this document were sent to all parties listed below by ordinary mail:

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General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

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Case Title:

OLWIN METAL FABRICATION LLC vs MULTI-CAM INC.

Type:

Order:

So Ordered,

Mary E. Montgomery